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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,751	12/10/2003	Victor S. Chan	CA920030047US1	6538

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/732,751

Applicant(s)

CHAN ET AL.

Examiner

Michael Y. Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/19/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed September 25, 2007.
2. Claims 1-21 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-11, 13-18, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al. (US 2003/0088617 A1).

INDEPENDENT:

As per **claim 1**, Clark teaches for a data processing system, a method for managing commerce contexts (see page 1, [0004]: “access secure business logic, such as e-commerce shopping cart system”), the data processing system being associated with a direct commerce context and a temporary commerce context (see page 2, [0011]: “building a response with an application content page built by the view portion and a “wraparound” portion...” and page 6, [0042]: “default or home feature content”), the data

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processing system being operatively coupled to memory having a session area (see page 2, [0011]: "Memory, such as a database and a cache, is included for storing application-specific data and lists of the feature mechanism of the application"), said method comprising the steps of:

receiving a client request associated with a commerce context parameter (see page 6, [0043]: "At 120, the user request 120 is processed by the master controller 70 to obtain the page name parameter from other provided request information"); and

determining the commerce context associated with said commerce context parameter (see page 4, [0028]: "The master controller 70 obtains a page name parameter that is used to determine which feature content 88 should receive the user request 42 information"; and page 6, [0043]: "(if null, the page name parameter remains the home page). Next, the master controller 70 acts to get the feature content page 88 associated with the obtained page name parameter").

As per **claim 8**, Clark teaches a computer program product having a computer readable medium tangibly embodying code (see page 1, [0005]: "service portal may be thought of as including both the hardware infrastructure... and a software framework necessary to implement functions including ...") for directing a data processing system to manage commerce contexts (see page 1, [0004]: "access secure business logic, such as e-commerce shopping cart system"), the data processing system being associated with a direct commerce context and a temporary commerce context (see page 2, [0011]: "building a response with an application content page built by the view portion and a "wraparound" portion..." and page 6, [0042]: "default or home feature

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content”), the data processing system being operatively coupled to memory having a session area (see page 2, [0011]: “Memory, such as a database and a cache, is included for storing application-specific data and lists of the feature mechanism of the application”), said computer program product comprising:

code for receiving a client request associated with a commerce context parameter (see page 6, [0043]: “At 120, the user request 120 is processed by the master controller 70 to obtain the page name parameter from other provided request information”); and

code for determining the commerce context associated with said commerce context parameter (see page 4, [0028]: “The master controller 70 obtains a page name parameter that is used to determine which feature content 88 should receive the user request 42 information”; and page 6, [0043]: “(if null, the page name parameter remains the home page). Next, the master controller 70 acts to get the feature content page 88 associated with the obtained page name parameter”).

As per **claim 15**, Clark teaches a data processing system for managing commerce contexts (see page 1, [0004]: “access secure business logic, such as e-commerce shopping cart system”), said data processing system being associated with a direct commerce context and a temporary commerce context (see page 2, [0011]: “building a response with an application content page built by the view portion and a “wraparound” portion...” and page 6, [0042]: “default or home feature content”); said data processing system being operatively coupled to memory having a session area (see page 2, [0011]: “Memory, such as a database and a cache, is included for storing

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application-specific data and lists of the feature mechanism of the application”), said data processing system comprising:

a module for receiving a client request associated with a commerce context parameter (see page 6, [0043]: “At 120, the user request 120 is processed by the master controller 70 to obtain the page name parameter from other provided request information”); and

a module for determining the commerce context associated with said commerce context parameter (see page 4, [0028]: “The master controller 70 obtains a page name parameter that is used to determine which feature content 88 should receive the user request 42 information”; and page 6, [0043]: “(if null, the page name parameter remains the home page). Next, the master controller 70 acts to get the feature content page 88 associated with the obtained page name parameter”).

DEPENDENT:

As per **claims 2, 9, and 16**, which respectively depend on claims 1, 8, and 15, Clark further teaches wherein the step of determining the commerce context associated with said commerce context parameter includes determining whether said commerce context parameter identifies said direct commerce context or said temporary commerce context (see page 6, [0043]: “(if null, the page name parameter remains the home page). Next, the master controller 70 acts to get the feature content page 88 associated with the obtained page name parameter”).

As per **claims 3, 10, and 17**, which respectively depend on claims 2, 9, and 16, Clark teaches of further comprising the step of constructing the commerce context associated with said commerce context parameter (see page 5, [0037]: “which is well-known technique for dynamically building graphical user interfaces based on request 42 parameters with JSP pages”; and page 6: [0047]: “The presentation container 76 begins to build the response 44 by including at least a first part of the repeated “wrap around” presentation”).

As per **claims 4, 11, and 18**, which respectively depend on claims 3, 10, and 17, further teaches wherein said commerce context parameter is included in said client request (see page 6, [0043]: “the master controller 70 acts to get the feature content page 88 associated with the obtained page name parameter”).

As per **claims 6, 13, and 20**, which respectively depend on claims 4, 11, and 18, Clark further teaches wherein said client request further includes a second commerce context parameter, and wherein said method further comprises the step of defining said second commerce context parameter in the session area (page 6: [0044]: “Steps 120 and 130 typically occur in response to a user of a client 50, 54, 58 operating their browser to navigate to a menu item or page function and the master controller 70 and abstract controller 72 handling the request 42 based on feature content 88 properties”).

As per **claims 7, 14, and 21**, which respectively depend on claims 6, 13, and 20, Clark teaches of further comprising the step of executing said client request using said constructed commerce context (see page 6, [0048]: “The built response 44 is then returned and the presentation displayed to the user”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US 2003/0088617 A1) in view of Hunt et al. (US 6,223,215 B1).

As per claims 5, 12, and 19, which respectively depend on claims 3, 10, and 17, Clark does not explicitly teach wherein said commerce context parameter is defined in the session area.

Hunt teaches wherein said commerce context parameter is defined in the session area (see col.7, lines 30-42).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Clark in view of Hunt so that the commerce context parameter is defined in the session area. One would be motivated to do so because Clark teaches that the invention is session-based system where a reference is established (see page 4, [0030]).

Response to Arguments

5. Applicant(s) arguments filed September 25, 2007 have been fully considered but they are not persuasive. The applicant(s) argue that Clark does not teach each and

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every element of the recited claims Hunt does not cure the deficiencies and therefore, claims 1-21 are allowable.

A. Specifically, the applicant(s) argue that the cited reference locations in the previous office action do not teach “a method for managing commerce contexts, the data processing system being associated with a direct commerce context and a temporary commerce context, the data processing system being operatively coupled to memory having a session area”.

In response, the recitation “a method for managing commerce contexts” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore, nowhere in the remainder of the claim elements teaches “a method for managing commerce contexts” nor any steps of the sort.

Also in response, the examiner equates “direct commerce context” to equate to the Direct Store (see Fig.5, #203) which according to the specification equates to a “channel store” (see page 11, lines 17-19 and page 13, lines 2-3) which is defined merely as a series of web pages (i.e. home page and subsequent catalog pages). Furthermore, “temporary commerce context” equates to Supplier Store (see Fig.5, #206a-206n), which is defined merely as a series of other web pages (i.e. order process

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page). Clark clearly teaches "the data processing system being associated with a direct commerce context and a temporary commerce context" because Clark teaches building web pages in response to user requests (see page 2, [0011]) associated with e-commerce (see page 1, [0006]).

Furthermore, where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "direct commerce context" and "temporary commerce context" in claims 1, 8, and 15 are indefinite because the specification does not clearly redefine the term. The specification employs the term "direct store context" and "temporary store context" (see page 13, lines 2-4)

With respect to the limitation "the data processing system being operatively coupled to memory having a session area", Clark clearly teaches a memory (see page 2, [0011]: "Memory, such as a database and a cache, is included for storing application-specific data and lists of the feature mechanism of the application"). A memory is memory, regardless of how the memory is partitioned and type of data the memory is storing. Novelty is only recognized wherein the functionality clearly shows an improvement.

B. The applicant(s) argue that Clark does not disclose, "receiving a client request associated with a commerce context parameter".

In response, it seems that the applicant(s) are asserting that because Clark does not recite the element word for word that somehow this limitation is not taught. Clearly, the reference provided teaches receiving a request from the client. Also, Clark teaches that the invention pertains to e-commerce (see page 1, [0006]). Coupling these facts, one of ordinary skill in the art would concur that any request by a user within the scope of Clark's invention pertains to or is associated with commerce context parameter.

C. The applicant(s) assert that Clark does not disclose, "determining the commerce context associated with said commerce context parameter".

In response, the examiner equates this limitation to merely determining a proper response to the client request. Clark clearly teaches this feature (see reference location provided in the rejection).

D. The applicant(s) argue that Clark further fails to disclose the limitations of claims 2, 9, and 16.

In response, Clark clearly teaches that a user request contains information such as "page name parameter" which identifies a particular page (see Fig.3 and page 6, [0042] & [0043]). Therefore regardless of whether the page is a direct commerce context or a temporary commerce context (see A. above), Clark clearly teaches identifying a particular page.

E. The applicant(s) argue that Clark fails to disclose the limitations of claims 3, 4, 6, 7, 10, 11, 13, 14, 17, 18, 20 and 21.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically

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pointing out how the language of the claims patentably distinguishes them from the references. The applicant(s) merely reiterate the citation(s) and states "There is no language in the cited passage that discloses" the claim limitation.

F. Regarding claims 5, 12, and 19, the applicant(s) argues that there lacks any motivation to combine Clark and Hunt, wherein Hunt teaches the missing element of "wherein said commerce context parameter is defined in the session area".

Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). *Ex Parte Smith*, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing *KSR v. Teleflex*, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)).

Accordingly applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). *Ex Parte Smith*, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing *KSR*, 127 S.Ct. at 1740, 82 USPQ2d at 1396).

Accordingly, since the applicant(s) have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their

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established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

The limitation pertains merely to defining parameters in an area of memory, which is a simple application of a known technique, which results in no change to the functionality of the system, which is neither challenging nor difficult, and further, which is subjective. Therefore, the claim is unpatentable under 35 U.S.C. 103(a).

6. For the reasons and the rejection set forth above, claims 1-21 remain rejected.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

October 16, 2007